

AMENDED IN SENATE JUNE 25, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1177**

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**Introduced by Assembly Member Bocanegra**

February 22, 2013

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An act to amend Sections 8698, 8698.1, and 8698.6 of the Business and Professions Code, relating to structural fumigation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1177, as amended, Bocanegra. Structural fumigation.

Existing law, until January 1, 2014, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Existing law authorizes the Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, and the San Diego County Agricultural Commissioner to perform increased structural fumigation, inspection, and enforcement activities, to be funded by ~~fees~~ a \$5 fee paid by any person who performs a structural fumigation in those counties, as specified. Existing law, until January 1, 2014, authorizes the director to adopt regulations to carry out those provisions, and to levy a civil penalty against persons violating those provisions or regulations, as specified. Existing law provides that the funds collected from the fees shall be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program.

This bill would *increase the fee described above from \$5 to \$8, and would* extend the operation of these provisions until January 1, 2018, but *would* remove Santa Clara County from the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8698 of the Business and Professions  
2 Code is amended to read:

3 8698. The Director of the Department of Pesticide Regulation  
4 shall provide oversight for the purposes of carrying out Section  
5 8698.1. The Los Angeles County Agricultural Commissioner, the  
6 Orange County Agricultural Commissioner, and the San Diego  
7 County Agricultural Commissioner may perform increased  
8 structural fumigation, inspection, and enforcement activities, to  
9 be funded by the ~~five-dollar (\$5)~~ *eight-dollar (\$8)* fee collected  
10 pursuant to Section 8698.1.

11 SEC. 2. Section 8698.1 of the Business and Professions Code  
12 is amended to read:

13 8698.1. (a) Any person who performs a structural fumigation  
14 in Los Angeles County, Orange County, or San Diego County  
15 shall pay to the county agricultural commissioner a fee of ~~five~~  
16 ~~dollars (\$5)~~ *eight dollars (\$8)* for each treatment conducted at a  
17 specific building or structure.

18 (b) The fees shall be submitted by the 10th day of the month  
19 following the month in which the treatment was performed. The  
20 fees shall be accompanied by a copy of a monthly pesticide use  
21 report showing the addresses, including the department number if  
22 applicable, of all structural fumigations. The report shall be in a  
23 form required by the director, shall identify the name and address  
24 of the person or company performing the fumigation, and shall  
25 include any other information requested by the director.

26 SEC. 3. Section 8698.6 of the Business and Professions Code  
27 is amended to read:

28 8698.6. This chapter shall remain in effect only until January  
29 1, 2018, and as of that date is repealed, unless a later enacted  
30 statute, which is chaptered before January 1, 2018, deletes or  
31 extends that date.

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